

FILED BY CLERK

FEB 18 2011

COURT OF APPEALS
DIVISION TWO

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

THE STATE OF ARIZONA,)	2 CA-CR 2010-0226
)	DEPARTMENT A
Appellee,)	
)	<u>MEMORANDUM DECISION</u>
v.)	Not for Publication
)	Rule 111, Rules of
JUAN EVERADO FLORES,)	the Supreme Court
)	
Appellant.)	
_____)	

APPEAL FROM THE SUPERIOR COURT OF PIMA COUNTY

Cause No. CR20091079002

Honorable Deborah Bernini, Judge

AFFIRMED

R. Lamar Couser

Tucson
Attorney for Appellant

ESPINOSA, Judge.

¶1 Following a two-day jury trial, appellant Juan Flores was found guilty of sale and/or transfer of a narcotic drug, specifically cocaine base. The trial court suspended the imposition of sentence and placed him on three years' probation, including as a condition thirty days in jail. Counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738 (1967), *State v. Leon*, 104 Ariz. 297, 451 P.2d 878 (1969), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999), asserting he has reviewed the record thoroughly but found no arguable issue to raise on appeal. Consistent with *Clark*, 196

Ariz. 530, ¶ 32, 2 P.3d at 97, he has provided “a detailed factual and procedural history of the case with citations to the record” and asks this court to search the record for fundamental error. Flores has not filed a supplemental brief.

¶2 Viewing the evidence in the light most favorable to sustaining the verdict, *see State v. Tamplin*, 195 Ariz. 246, ¶ 2, 986 P.2d 914, 914 (App. 1999), we find there was sufficient evidence to support the jury’s finding of guilt. On March 4, 2009, undercover police officers arranged for an individual to purchase cocaine base for them. Using money given to her by the officers, the individual then purchased 374 milligrams of cocaine base from Flores and gave it to the officers. *See* A.R.S. §§ 13-3401(5), (20)(z), 13-3408(A)(7). And we find no error in the trial court’s imposition of probation. *See* A.R.S. §§ 13-603(B), 13-901, 13-3408(B)(7). Pursuant to our obligation under *Anders*, we have searched the record for fundamental, reversible error and, having found none, we affirm Flores’s conviction and the probationary term imposed.

/s/ Philip G. Espinosa
PHILIP G. ESPINOSA, Judge

CONCURRING:

/s/ Joseph W. Howard
JOSEPH W. HOWARD, Chief Judge

/s/ J. William Brammer, Jr.
J. WILLIAM BRAMMER, JR., Presiding Judge